

STATE OF MINNESOTA

EIGHTY-FIRST SESSION — 1999

 FIFTH DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 19, 1999

The House of Representatives convened at 2:30 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor Art Matychuk, Bethesda Church, South Minneapolis, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	Entenza	Howes	Mares	Pawlenty	Swenson
Abrams	Erhardt	Huntley	Mariani	Paymar	Sykora
Anderson, I.	Erickson	Jaros	Marko	Pelowski	Tingelstad
Bakk	Finseth	Jennings	McCollum	Peterson	Tomassoni
Bishop	Folliard	Johnson	McElroy	Pugh	Trimble
Boudreau	Fuller	Juhnke	McGuire	Rest	Tuma
Bradley	Gerlach	Kalis	Milbert	Reuter	Tunheim
Broecker	Gleason	Kelliher	Molnau	Rhodes	Van Dellen
Buesgens	Goodno	Kielkucki	Mulder	Rifenberg	Vandever
Carlson	Gray	Knoblach	Mullery	Rostberg	Wagenius
Carruthers	Greenfield	Koskinen	Munger	Rukavina	Wejzman
Cassell	Greiling	Krinkie	Murphy	Schumacher	Wenzel
Chaudhary	Gunther	Kubly	Ness	Seagren	Westerberg
Clark, J.	Haake	Kuisle	Nornes	Seifert, J.	Westfall
Clark, K.	Haas	Larsen, P.	Olson	Seifert, M.	Westrom
Daggett	Hackbarth	Larsen, D.	Opatz	Skoe	Wilkin
Davids	Harder	Lenczewski	Orfield	Skoglund	Winter
Dawkins	Hasskamp	Leppik	Osskopp	Smith	Wolf
Dehler	Hausman	Lieder	Osthoff	Solberg	Workman
Dempsey	Hilty	Lindner	Otremba	Stanek	Spk. Sviggum
Dorman	Holberg	Luther	Ozment	Stang	
Dorn	Holsten	Mahoney	Paulsen	Storm	

A quorum was present.

Anderson, B.; Biernat; Kahn and Leighton were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Kubly moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

CALL OF THE HOUSE

On the motion of Reuter and on the demand of 10 members, a call of the House was ordered. The following members answered to their names:

Abeler	Entenza	Holsten	Mares	Pawlenty	Storm
Abrams	Erhardt	Hoves	Mariani	Paymar	Swenson
Anderson, I.	Erickson	Huntley	Marko	Pelowski	Sykora
Bakk	Finseth	Jaros	McCollum	Peterson	Tingelstad
Bishop	Folliard	Jennings	McElroy	Pugh	Tomassoni
Boudreau	Fuller	Johnson	McGuire	Rest	Trimble
Bradley	Gerlach	Juhnke	Milbert	Reuter	Tuma
Broecker	Gleason	Kalis	Molnau	Rhodes	Tunheim
Buesgens	Goodno	Kelliher	Mulder	Rifenberg	Vandever
Carlson	Gray	Kielkucki	Mullery	Rostberg	Wejcman
Carruthers	Greenfield	Knoblach	Munger	Schumacher	Wenzel
Cassell	Gunther	Koskinen	Ness	Seagren	Westerberg
Chaudhary	Haake	Kubly	Nornes	Seifert, J.	Westfall
Clark, J.	Haas	Kuisle	Opatz	Seifert, M.	Westrom
Daggett	Hackbarth	Larsen, P.	Orfield	Skoe	Wilkin
Davids	Harder	Lenczewski	Oskopp	Skoglund	Winter
Dawkins	Hasskamp	Leppik	Osthoff	Smith	Wolf
Dehler	Hausman	Lieder	Otremba	Solberg	Spk. Sviggum
Dorman	Hilty	Luther	Ozment	Stanek	
Dorn	Holberg	Mahoney	Paulsen	Stang	

Pawlenty moved that further proceedings of the roll call be suspended and that the Sergeant at Arms be instructed to bring in the absentees. The motion prevailed and it was so ordered.

POINT OF ORDER

Reuter raised a point of order pursuant to section 585, paragraph 2, of "Mason's Manual of Legislative Procedure," relating to Other Officers. The Speaker ruled the point of order not well taken.

CALL OF THE HOUSE LIFTED

Reuter moved that the call of the House be suspended. The motion prevailed and it was so ordered.

REPORTS OF STANDING COMMITTEES

Ozment from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 6, A bill for an act relating to recreational vehicles; modifying rulemaking authority; modifying certain restrictions on the use of snowmobile metal traction devices; modifying certain definitions; amending Minnesota Statutes 1998, sections 84.86, subdivision 1; 85.015, subdivision 1c; and 169.1217, subdivision 1; Laws 1998, chapter 401, section 61; repealing Minnesota Statutes 1998, sections 84.871, subdivision 2; and 84.8715; Laws 1998, chapter 401, section 23.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Environment and Natural Resources Finance.

The report was adopted.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

The following House Files were introduced:

Greiling introduced:

H. F. No. 150, A bill for an act relating to elections; making it easier to vote by absentee ballot; prohibiting certain activities; providing for rules; amending Minnesota Statutes 1998, sections 203B.02, subdivision 1; 203B.03, subdivision 1; 203B.04, subdivisions 1 and 4; 203B.06, subdivision 3; and 203B.07, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 203B.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Harder introduced:

H. F. No. 151, A resolution memorializing the Clinton Administration and the United States Congress to cooperate in forming a federal effort to alleviate the crisis confronting livestock farmers and commodity grain farmers arising from a bottleneck between hog and cattle producers and their consumers, from imbalances in the grain market, and from concentrations of economic resources in the food marketing and distribution system.

The bill was read for the first time and referred to the Committee on Agriculture Policy.

Rostberg, Mares, Murphy, Jennings and Rhodes introduced:

H. F. No. 152, A bill for an act relating to retirement; providing coverage in the correctional employees plan for certain employees; amending Minnesota Statutes 1998, sections 352.90; and 352.91, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Seifert, M., introduced:

H. F. No. 153, A bill for an act relating to liquor; authorizing the city of Marshall to issue additional on-sale licenses.

The bill was read for the first time and referred to the Committee on Commerce.

Paulsen, Stanek, Entenza, Westerberg and Haake introduced:

H. F. No. 154, A bill for an act relating to traffic regulations; imposing criminal penalties on a motor vehicle owner who knowingly permits a person to operate the vehicle while under driver's license revocation; authorizing forfeiture of vehicles used to commit this crime; amending Minnesota Statutes 1998, sections 609.531, subdivision 1; and 609.5312, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 171.

The bill was read for the first time and referred to the Committee on Crime Prevention.

Seifert, M.; Kubly; Ness; Clark, J., and Juhnke introduced:

H. F. No. 155, A bill for an act relating to agriculture; appropriating money for the passing on the farm center.

The bill was read for the first time and referred to the Committee on Agriculture and Rural Development Finance.

Pawlenty, Mares, Smith, Tingelstad and Skoglund introduced:

H. F. No. 156, A bill for an act relating to family law; adoption; providing for the stay of certain paternity proceedings during proposed adoption of a child; amending Minnesota Statutes 1998, section 259.49, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 257.

The bill was read for the first time and referred to the Committee on Civil Law.

Kuisle, Bradley, Davids, Molnau and Osskopp introduced:

H. F. No. 157, A bill for an act relating to highways; modifying route of Laura Ingalls Wilder Historic Highway; amending Minnesota Statutes 1998, section 161.14, subdivision 29.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Stanek, Westerberg, Wenzel and Haake introduced:

H. F. No. 158, A bill for an act relating to sentencing; clarifying legislative intent concerning credit for time served; creating a presumption in favor of consecutive sentences; requiring specific findings to authorize concurrent sentences or credit for time served; requiring that conforming changes be made to sentencing guidelines; amending Minnesota Statutes 1998, sections 609.01, subdivision 1; 609.145, by adding a subdivision; and 609.15, subdivision 1.

The bill was read for the first time and referred to the Committee on Crime Prevention.

Sviggum, Pawlenty, Hausman, Rostberg and Pugh introduced:

H. F. No. 159, A bill for an act proposing an amendment to the Minnesota Constitution; providing for a unicameral legislature; changing article IV; article VIII, sections 1 and 6; article IX, sections 1 and 2; and article XI, section 5; amending Minnesota Statutes 1998, sections 2.021; and 2.031, subdivision 1.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Bishop, Rukavina, Mullery, Smith and Seifert, J., introduced:

H. F. No. 160, A bill for an act relating to real property; providing for definite and specific descriptions for certain easements; applying the requirement retroactively to all easements whenever created; amending Minnesota Statutes 1998, section 300.045.

The bill was read for the first time and referred to the Committee on Civil Law.

Ozment and Rest introduced:

H. F. No. 161, A bill for an act relating to taxation; reducing the general rate of the sales and use tax and the sales tax on motor vehicles; exempting sales to political subdivisions of a state; exempting sales of lottery tickets from the sales tax; amending Minnesota Statutes 1998, sections 297A.02, subdivision 1; 297A.25, subdivision 11; 297A.259; 297A.47; 349A.01, subdivision 7; and 349A.10, subdivision 7.

The bill was read for the first time and referred to the Committee on Taxes.

Molnau, Buesgens and Smith introduced:

H. F. No. 162, A bill for an act relating to motor vehicles; repealing the motor vehicle emissions inspection program; repealing Minnesota Statutes 1998, sections 116.60; 116.61; 116.62; 116.63; 116.64; and 116.65.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Erhardt and Van Dellen introduced:

H. F. No. 163, A bill for an act relating to taxation; reducing individual income tax rates; amending Minnesota Statutes 1998, sections 290.06, subdivisions 2c and 2d; 290.091, subdivisions 1, 2, and 6.

The bill was read for the first time and referred to the Committee on Taxes.

Erhardt introduced:

H. F. No. 164, A bill for an act relating to taxation; sales and use; exempting sales to political subdivisions of a state; amending Minnesota Statutes 1998, sections 297A.25, subdivision 11; and 297A.47.

The bill was read for the first time and referred to the Committee on Taxes.

Stang introduced:

H. F. No. 165, A bill for an act relating to motor vehicles; allowing disability license plates to be issued for vehicles modified for use by disabled persons; amending Minnesota Statutes 1998, section 168.021, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Wenzel; Anderson, I.; Rostberg; Winter and Kubly introduced:

H. F. No. 166, A bill for an act relating to taxes; sales and use tax; reducing the rate; amending Minnesota Statutes 1998, section 297A.02, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Wenzel; Anderson, I.; Kubly; Winter and Dehler introduced:

H. F. No. 167, A bill for an act relating to taxation; property; providing state-paid 1999 agricultural property taxes; appropriating money.

The bill was read for the first time and referred to the Committee on Taxes.

Mulder introduced:

H. F. No. 168, A bill for an act relating to taxation; providing that sales of smoking cessation devices are exempt from taxation; amending Minnesota Statutes 1998, section 297A.25, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Mulder and Gerlach introduced:

H. F. No. 169, A bill for an act relating to health; exempting certain services provided free of charge from the MinnesotaCare tax; amending Minnesota Statutes 1998, section 295.50, subdivision 3.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Nornes, Cassell, Westfall, Westrom and Daggett introduced:

H. F. No. 170, A bill for an act relating to health; establishing a grant program in the Minnesota department of health for nursing facility technology rooms; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 144A.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Mulder and Abeler introduced:

H. F. No. 171, A bill for an act relating to health; repealing the requirement that licensees of health-related boards receive continuing education in infection control; repealing Minnesota Statutes 1998, section 214.12, subdivision 2.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Skoglund, Stanek, Entenza, Bishop, Mullery, Gray and Clark, K., introduced:

H. F. No. 172, A bill for an act relating to crime; expanding the definition of substantial bodily harm; amending Minnesota Statutes 1998, section 609.02, subdivision 7a.

The bill was read for the first time and referred to the Committee on Crime Prevention.

Entenza, Wagenius, Kahn, Kelliher and Paymar introduced:

H. F. No. 173, A bill for an act proposing an amendment to the Minnesota Constitution, article I, by adding a section; providing for equality of rights under the law for men and women.

The bill was read for the first time and referred to the Committee on Civil Law.

Stang introduced:

H. F. No. 174, A bill for an act relating to the Paynesville area hospital district; authorizing the district to annex the city of Richmond to the district.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Murphy, Rhodes, Kalis, Daggett and Vandever introduced:

H. F. No. 175, A bill for an act relating to health; allowing nursing facility residents to request the use of a restraint; amending Minnesota Statutes 1998, section 144A.10, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Mares, Smith, Murphy, Stang and Rhodes introduced:

H. F. No. 176, A bill for an act relating to retirement; public employees retirement association; creating a local government correctional service retirement plan; modifying actuarial cost provision; amending Minnesota Statutes 1998, sections 3.85, subdivisions 11 and 12; 356.19, by adding a subdivision; 356.20, subdivision 2; 356.30, subdivision 3; 356.302, subdivision 7; and 356.303, subdivision 4; proposing coding for new law as Minnesota Statutes, chapter 353E.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Mulder; Boudreau; Kubly; Wenzel; Rostberg; Ozment; Buesgens; Larsen, P.; Storm; Dehler; Westfall; Cassell; Kuisle; Pugh; Vandever; Winter; Lindner; Pelowski; Davids; Olson; Milbert; Sviggum; Goodno; Kielkucki; Nornes; Paulsen; Pawlenty; Anderson, B.; Seifert, M.; Tuma; Otremba; Swenson; Westrom and Clark, J., introduced:

H. F. No. 177, A bill for an act relating to health; prohibiting partial-birth abortions; providing criminal and civil penalties; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Boudreau, Otremba, Goodno, Storm, Pawlenty, Ozment, Erickson, Dehler, Tingelstad, Tuma, Vandever, Davids, Schumacher, Kubly, Seagren, Sviggum, Broecker, Wenzel, Rostberg, Lindner, Rifenberg, Cassell and Westrom introduced:

H. F. No. 178, A bill for an act relating to health; requiring informed consent of a female upon whom an abortion is performed; providing civil remedies; proposing coding for new law in Minnesota Statutes, chapter 145.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Kielkucki; Otremba; Larsen, P.; Abeler; Wenzel; Stang; Hackbarth; Kuisle; Osskopp; Gunther; Harder; Smith; Lindner; Kalis; Olson; Clark, J.; Buesgens; Mulder; Boudreau; Reuter; Pawlenty; Anderson, B.; Dehler; Seifert, M.; Swenson; Westrom; Ness; Rostberg; Cassell and Kubly introduced:

H. F. No. 179, A bill for an act proposing an amendment to the Minnesota Constitution, by adding a section to article XIII; establishing the same constitutional standard for the Minnesota Constitution and the United States Constitution for issues relating to abortion.

The bill was read for the first time and referred to the Committee on Health and Human Services Policy.

Wolf, Davids and Jennings introduced:

H. F. No. 180, A bill for an act relating to commerce; regulating the safety of persons on amusement rides; amending Minnesota Statutes 1998, section 184B.01, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 184B.

The bill was read for the first time and referred to the Committee on Commerce.

McCollum and Greiling introduced:

H. F. No. 181, A bill for an act relating to the legislature; eliminating per diem compensation of members of the legislature; requiring recommendations on the salaries of members; amending Minnesota Statutes 1998, sections 3.099, subdivisions 1 and 3; 3.101; and 3A.01, subdivision 6a.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Buesgens; Wilkin; Anderson, B., and Gerlach introduced:

H. F. No. 182, A bill for an act relating to statutory cities; permitting special elections in cases of certain vacancies; amending Minnesota Statutes 1998, sections 205.10, subdivision 2; and 412.02, subdivision 2a.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

Buesgens; Smith; Seifert, J.; Stanek and Anderson, B., introduced:

H. F. No. 183, A bill for an act relating to civil commitment; modifying provisions governing parental consent to chemical dependency treatment for minors; amending Minnesota Statutes 1998, section 253B.04, subdivision 1.

The bill was read for the first time and referred to the Committee on Civil Law.

Krinkie, Rhodes, Gerlach and Bishop introduced:

H. F. No. 184, A bill for an act relating to appropriations; canceling the appropriation for a United Nations trade point.

The bill was read for the first time and referred to the Committee on State Government Finance.

MOTIONS AND RESOLUTIONS

Westfall moved that the name of Luther be added as an author on H. F. No. 8. The motion prevailed.

Swiggum moved that the names of Rest and Greiling be added as authors on H. F. No. 9. The motion prevailed.

Pawlenty moved that the name of Luther be added as an author on H. F. No. 10. The motion prevailed.

Pawlenty moved that the name of Mullery be added as an author on H. F. No. 16. The motion prevailed.

Murphy moved that the name of Luther be added as an author on H. F. No. 30. The motion prevailed.

Greiling moved that the name of Westerberg be added as an author on H. F. No. 34. The motion prevailed.

Bakk moved that the name of Johnson be added as an author on H. F. No. 46. The motion prevailed.

Ozment moved that the name of Luther be added as an author on H. F. No. 49. The motion prevailed.

Haas moved that the names of Hackbarth, Haake and Dehler be added as authors on H. F. No. 52. The motion prevailed.

Haas moved that the name of Luther be added as an author on H. F. No. 60. The motion prevailed.

Luther moved that the name of Bradley be added as an author on H. F. No. 74. The motion prevailed.

Rest moved that the name of Bakk be added as an author on H. F. No. 86. The motion prevailed.

Jaros moved that the name of Trimble be added as an author on H. F. No. 94. The motion prevailed.

Jaros moved that the name of Trimble be added as an author on H. F. No. 95. The motion prevailed.

Hasskamp moved that H. F. No. 17 be recalled from the Committee on Taxes and be re-referred to the Committee on Local Government and Metropolitan Affairs. The motion prevailed.

Luther moved that H. F. No. 127 be recalled from the Committee on Health and Human Services Policy and be re-referred to the Committee on Health and Human Services Finance. The motion prevailed.

Pursuant to rule 4.30, Ozment moved that H. F. No. 6 be recalled from the Committee on Environment and Natural Resources Finance, be given its second reading, and be placed on the General Register.

A roll call was requested and properly seconded.

The question was taken on the Ozment motion and the roll was called. There were 104 yeas and 26 nays as follows:

Those who voted in the affirmative were:

Abeler	Bishop	Buesgens	Chaudhary	Dehler	Erickson
Abrams	Boudreau	Carlson	Clark, J.	Dempsey	Finseth
Anderson, I.	Bradley	Carruthers	Daggett	Dorman	Fuller
Bakk	Broecker	Cassell	Davids	Erhardt	Gerlach

Goodno	Knoblach	Marko	Pawlenty	Skoe	Vandever
Gunther	Koskinen	McElroy	Pelowski	Smith	Wenzel
Haake	Krinkie	Milbert	Peterson	Solberg	Westerberg
Haas	Kubly	Molnau	Pugh	Stanek	Westfall
Hackbarth	Kuisle	Mulder	Rest	Stang	Westrom
Harder	Larsen, P.	Murphy	Reuter	Storm	Wilkin
Hilty	Larson, D.	Ness	Rhodes	Swenson	Winter
Holberg	Lenczewski	Nornes	Rifenberg	Sykora	Wolf
Holsten	Leppik	Olson	Rostberg	Tingelstad	Workman
Howes	Lieder	Opatz	Rukavina	Tomassoni	Spk. Sviggum
Johnson	Lindner	Osskopp	Schumacher	Trimble	
Juhnke	Luther	Otremba	Seagren	Tuma	
Kalis	Mahoney	Ozment	Seifert, J.	Tunheim	
Kielkucki	Mares	Paulsen	Seifert, M.	Van Dellen	

Those who voted in the negative were:

Clark, K.	Gleason	Hausman	Mariani	Orfield	Wejzman
Dawkins	Gray	Huntley	McCollum	Osthoff	
Dorn	Greenfield	Jaros	McGuire	Paymar	
Entenza	Greiling	Jennings	Mullery	Skoglund	
Folliard	Hasskamp	Kelliher	Munger	Wagenius	

The motion prevailed.

SECOND READING OF HOUSE BILLS

H. F. No. 6 was read for the second time.

ADJOURNMENT

Pawlenty moved that when the House adjourns today it adjourn until 2:30 p.m., Thursday, January 21, 1999. The motion prevailed.

Pawlenty moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 2:30 p.m., Thursday, January 21, 1999.

EDWARD A. BURDICK, Chief Clerk, House of Representatives